

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

CARTER JONES, JR.

PLAINTIFF

VS.

CIVIL NO. 1:08CV220-MPM-JAD

COOPER TIRE & RUBBER COMPANY

DEFENDANT

REPORT AND RECOMMENDATION

By order dated September 8, 2009, [Doc. 35], this court allowed plaintiff's attorneys to withdraw and granted plaintiff thirty days to retrain new counsel or to advise the court that he was proceeding *pro se*. Plaintiff has done neither, but the court has assumed that he is proceeding *pro se*. A final pretrial conference was scheduled for 2:30 p.m. on January 5, 2010, in the undersigned's chambers. At the scheduled time, plaintiff failed to appear although defendant's attorney was present.

Accordingly, it is recommended that this case be dismissed with prejudice for failure to prosecute and for failure to abide by an order of the court.

The parties are referred to 28 U.S.C. 636(b)(1) and F.R.Civ.P 72.2 (D) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within fourteen days of this date. Failure to file written objections to the proposed finding and recommendations contained in this report within fourteen days from the date of filing will bar an aggrieved party, except upon grounds of plain error, from challenging on appeal both the proposed factual findings and the proposed legal conclusions accepted by the district court *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Plaintiff is directed to acknowledge receipt of this report and recommendation by signing the enclosed acknowledgment form and returning it to the court within fourteen days of this date. Plaintiff is warned that failure to comply with the requirements of this paragraph may lead to the dismissal of this lawsuit under F.R.Civ.P. 41(b) for failure to prosecute and for failure to comply with an order of the court.

THIS 5TH day of January, 2010.

/s/ JERRY A. DAVIS

UNITED STATES MAGISTRATE JUDGE